

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: : 21cv11154 (DLC)  
DEIDRE MANNS, : :  
: : ORDER  
: Plaintiff, :  
: :  
: -v- :  
: :  
ADRIENNE HARRIS, in her capacity as : Plaintiff, :  
former Superintendent, New York State :  
Department of Financial Services, et al., :  
al., :  
: Defendants. :  
: :  
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DENISE COTE, District Judge:

An Order of May 17, 2022 required the plaintiff in the above-captioned action to show cause by May 24 why the action should not be dismissed against two defendants, sued in their official and individual capacities, who had not yet been served: Arthur Masinsky (misspelled in prior filings as Masinski) and Linda Lacewell. On May 24, the plaintiff filed an affidavit of service showing service on Masinsky.

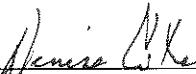
On May 30, the plaintiff filed an affidavit of service purporting to show effective service on Lacewell by delivery to an authorized agent located at the Office of the Attorney General of the State of New York, 28 Liberty Street, New York, New York 10005. Lacewell is the former Director of the New York State Department of Financial Services and has not served in

that capacity since August of 2021. More than 90 days have elapsed since this action commenced. The plaintiff has been given three extended opportunities to serve Lacewell in Orders of April 26, April 29, and May 6. Accordingly, timely and effective service upon Lacewell has not been made pursuant to either Rule 4(e), Fed. R. Civ. P., or N.Y. C.P.L.R. §§ 307, 308, or 318. It is hereby

ORDERED that the action against defendant Lacewell shall be dismissed for failure to prosecute.

IT IS FURTHER ORDERED that this action may proceed against Masinsky without prejudice to a motion by Masinsky to dismiss this action for failure to serve.

Dated: New York, New York  
May 31, 2022

  
DENISE COTE  
United States District Judge